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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,996	12/28/2001	Ulf Mattsson	10400-000001/US	1079
26161	7590	01/30/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			FIELDS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/034,996	Applicant(s) MATTSSON, ULF	
	Examiner Courtney D. Fields	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-9 have been amended.
2. Claims 10 and 11 have been cancelled.
3. Claims 12 and 13 have been added.
4. Claims 1-9 and 12-13 are pending.

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection, Sheymov et al. (Pub No. 202/0023227).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowland (US Patent No. 6,405,318) in view of Sheymov et al. (Pub No. 2002/0023227).

Regarding claim 1, Rowland discloses a method for detecting intrusion in a database managed by an access control system comprising:

defining at least one intrusion detection profile, each profile including a set of item access rates, one or which includes a definition of a number of rows that may accessed in a predetermined period of time, (See Column 3, lines 33-67, Column 4, lines 1-47, and Figures 10-11, Column 9, lines 21-36)

associating each user with one of the defined profiles, (See Column 4, lines 48-67, Column 5, lines 1-2)

determining that execution of the query causes the user to exceed an item access rates defined in the profile associated the user, (See Column 5, lines 40-67)

and notifying the access control system, to alter user authorization, thereby preventing the result of the query from being transmitted to the user (Column 6, lines 1-11)

However, Rowland fails to explicitly disclose a database query. Sheymov et al. discloses a system and method for distributed network protection. Regarding claim 1, Sheymov et al. discloses receiving a database query from a user (See Sheymov et al., Page 4, Section 0043). Sheymov et al. further discloses by querying a database, the analysis system can determine if an unauthorized access attempt was made by an unauthorized user of the protected network. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Rowland's intrusion detection system by combining Sheymov et al.'s distributed network protection system. Sheymov et al.'s provides the access control system within a protected network an autonomously tracing method wherein unauthorized access can be detected and confirmed as an hostile act, by concealing a database query. (See Page 1, Section 0010)

Regarding claim 2, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein accumulating results from performed queries in a record and

determining whether the accumulated results exceed a member of the set of item access rates (See Rowland, Column 8, lines 46-67, Column 9, lines 1-8)

Regarding claim 3, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein marking an item subject to a member of the set of item access rates (See Rowland, Column 7, lines 55-67, Column 8, lines 1-7)

Regarding claim 4, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein the step of determining includes determining if the query result includes a marked item, and proceeding with the intrusion detection process only upon determining that the member of the set of item access rates is exceeded (See Rowland, Column 8, lines 8-23)

Regarding claim 5, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein a member of the set of item access rates defines the number of rows a user may access from a database item at one time (See Rowland, Column 5, lines 40-67, Column 6, lines 1-11)

Regarding claim 6, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein a member of the set of item access rates defines the number of rows a group of users may access from a database item at one time (See Rowland, Column 5, lines 40-67, Column 6, lines 1-11)

Regarding claim 7, Rowland discloses the claimed limitation wherein a member of the set of item access rates defines the number of rows that may be accessed from a database item over a period of time (See Rowland, Column 9, lines 37-51)

Regarding claim 8, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein a member of the set of item access rates defines the number of rows a group of users may access from a database item over a period of time (See Rowland, Column 9, lines 37-51)

Regarding claim 9, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein the intrusion detection policy further includes at least one interference pattern, the method further comprising: accumulating results from performed queries in a record, comparing the record with the at least one interference pattern, in order to determine whether a combination of accesses in the record match the interference policy, and notifying the access control system, upon determining that a combination of accesses in the record match the interference policy, to alter the user authorization, thereby preventing the result of the query from being transmitted to the user (See Rowland, Column 7, lines 41-54)

Referring to claim 12, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein executing the query (See Sheymov et al., Page 4, Section 0043)

Referring to claim 13, (Rowland as modified by Sheymov et al.) discloses the claimed limitation wherein attacking a trigger to items subject to item access rates, and trigger the step of determining (See Rowland, Column 7, lines 55-67, Column 8, lines 1-7)

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*cd*

cdf

January 22, 2006

*Matthew Smithers*  
**MATTHEW SMITHERS**  
**PRIMARY EXAMINER**  
*Art Unit 2137*